THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.24297 OF 2005

Dt.30.11.2005

Between:

S.Roja Rani … Petitioner

And

The Commissioner of Police,

Vijayawada and another … Respondents

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Home.

The petitioner submits that she has purchased Qualis van in the year 2004 originally belongs to M.Mallikarjun Reddy. After purchasing the said vehicle she has applied for transfer in her name. The said vehicle was transferred in the name of the petitioner and the number is changed from AP 03K 9066 to AP 07 TT 3369. While so, the S.H.O., C.C.S., Vijayawada came to the house of the petitioner on 5.10.2005 and directed her to produce the vehicle for verification. Apprehending seizure of the said vehicle, this writ petition has been filed to declare the action of the respondents in trying to seize the vehicle bearing registration No.AP 07TT 3369 as illegal and arbitrary.

Counter affidavit has been filed by the 2nd respondent stating that one Kapparapu Naga Venkata Siva Kiran resident of Machavaram of Vijayawada lodged a complaint on 7.11.2005 with the 2nd respondent alleging that one car broker Prabhakar informed about one Scorpio car said to have been belongs to his friend Naresh is available for sale at Rs.6,50,000/- and he paid an amount of Rs.1,00,000/- as advance and the remaining amount was also paid and on enquiry he came to know that the said car was sold at the instance of Buchireddy, who used to sell stolen vehicles by preparing forged documents and in that connection a case in Crime No.322/2005 under Sections 379, 420, 468, 471 and 120(b) read with Section 34 IPC was registered on 7.11.2005. As per the instructions of the first respondent vide memo dated 8.11.2005, the 2nd respondent took up investigation and during the course of investigation it is revealed that the said Buchireddy confessed that he purchased 35 four wheelers from one Prabhakaran, Murugan, Chandran, Rehman, Billu Singh and Billu Bai who belong to various States like Tamilnadu, Karnataka, Jharkhand and Chattisgarh and with the help of other accused they forged the C- books and No objection certificates were produced before the Regional Transport Authorities of Chittoor, Guntur, Vijayawada, Eluru and Visakhapatnam and accordingly they re-registered the vehicles. The said Buchireddy also confessed that he sold six Tyota Qualis through one Shaik Dawood Basha of Warangal and one such vehicle is the vehicle in question. It is further stated that in fact the vehicle in question bearing Engine No.LF9774512 with Chasis No.501072171 is a theft vehicle and the accused created forged C- Book and Clearance certificate in respect of vehicle No.MP 09C 4632 in the name of T.Narasimha Murthy s/o.Manna Murthy, D.No.16-11-36, Deva Veedhi, Palakonda, Srikakulam District on 19.3.2004 and those forged documents were produced before the Regional Transport Authority, Tirupati, Chittoor District and got re-registered as AP 03K 9066 in the name of M.Mallikarjun Reddy s/o.Raja Reddy, D.No.1-9, Gudanampeta, Penamur Mandal, Chittoor District. The said Buchireddy also disclosed that the said vehicle has

been sold to the petitioner through one Dawood Basha of Warangal District and it has been re-registered as AP 07TT 3369 by giving a false address as Smt.S.Roja Rani w/o.Kiran Kumar, D.No.133-184, 3rd lane, Guntuvari thota, Guntur.

In view of the aforesaid facts and circumstances of the case, as the vehicle is said to have been found as theft vehicle and the same has been sold under forged documents, it is just and necessary to seize the said vehicle in connection with the said crime to complete the investigation.

I do not see any merit in this writ petition. The writ petition is accordingly dismissed. However, it is always open for the petitioner to file a petition in the said pending crime seeking relief of interim custody of the said vehicle if the original owner is not claiming the same. No costs.

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(V.ESWARAIAH, J.)

30.11.2005

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